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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/750,049 | 12/29/2000 | Motoyoshi Suzuki | 826.1659 (JDH) | 6708 |
| 21171 | 7590 | 08/24/2006 | EXAMINER | |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | MANNING, JOHN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2623 | |

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/750,049 | | SUZUKI, MOTOYOSHI | |
| | Examiner | | Art Unit | |
| | John Manning | | 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed June 6, 2006, with respect to the amended claims have been fully considered but they are not persuasive.

Applicant states "Tamir teaches nothing about (see claim 1) inputting segmentation information and retrieval data where the segmentation information indicates a time slice of a subject in a video with *several video streams* and the retrieval data indicates an attribute of the subject, converting the *multiple video stream segments* into an animation files according to the segmentation information and associating the animation files with the retrieval data, storing the animation files and the retrieval data, and when any of the retrieval data is selected as retrieval condition, outputting and displaying the animation files associated with the retrieval condition."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., several video streams) are not recited in rejected claim 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Tamir discloses:

- Inputting segmentation information and retrieval data where the segmentation information indicates a time slice of a subject in a video (Col 7, Lines 48-53 and 59-63).

- The retrieval data indicates an attribute of the subject (Col 7, Lines 48-53).
- Converting the video stream segments into an animation files according to the segmentation information (Col 7, Lines 59-63; Col 8, Lines 36-44).

The disclosed index video segment created by the image analyzer 50 meet the limitation of an animation file.

- Associating the animation files with the retrieval data. The video segments are index by various criteria, which meet the limitation of the retrieval data.
- Storing the animation files and the retrieval data (Col 7, Lines 48-53).
- When any of the retrieval data is selected as retrieval condition, outputting and displaying the animation files associated with the retrieval condition (Col 7, Lines 48-63; Col 13, Lines 38-43). The examiner interprets the indexing information to be the retrieval data. The user may sort (i.e. the retrieval condition) the video segment by indexing information.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5-7, 9-10 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Tamir et al. (US Pat No 5,923,365).

In regard to claim 1, Tamir a sports event video manipulating system for manipulating a representation of a sports event (abstract). The claimed limitation of “an input unit inputting segmentation information and retrieval data wherein the segmentation information indicates a time slice for each part of picture data continuous in time series about a subject and the retrieval data indicates an attribute of the subject corresponding to each part of picture data assigned to each time slice” is met by Figure 1, Items 72, 80 and 30 (See Col 7, Lines 48-53). The claimed limitation of “a storage unit segmenting and converting the continuous picture data into plural animation files according to the segmentation information, associating each of the plural animation files with the corresponding retrieval data, and storing the plural animation files and the retrieval data” is met by Figure 1, Item 40 (See Col 6, Lines 54-58). The claimed limitation of “an output unit, when any retrieval data is selected as retrieval condition from among the retrieval data inputted by the input unit, outputting an animation file that is associated with the selected retrieval data and is stored in the storage unit and displaying the outputted animation file” is met by Figure 1, Item 70, 30 and 50 (See Col 8, Lines 5-10; Col 13, 31-41). The claimed limitation of “wherein the subject is a player of a ball game being performed and all the segmentation information is inputted by a user” is met by Figure 1, Items 72, 80 and 30 and Figure 2.

In regard to claims 2-3, Tamir discloses the claimed limitation of “retrieval data contains information about a delivery of a ball” and “retrieval data contains information

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about a course of a ball" (See Col 8, Lines 5-10; Col 8, Lines 56-59; Col 10, Lines 28-40).

In regard to claims 5 and 6, Tamir discloses the claimed limitation of "said segmentation information comprises a record starting time and a record ending time which are absolute times" and "record starting time said record ending time are record starting time and a record ending time each delivery of a ball" (See Col 7, Lines 38-47; Col 8, Lines 5-10).

In regard to claim 7, the claimed limitation of "an input unit inputting common segmentation information and retrieval data wherein the segmentation information indicates a time slice common to plural different pieces of picture data continuous in time series about a subject and the retrieval data indicates an attribute of the subject corresponding to each part of picture data assigned to each time slice" is met by Figure 1, Items 72, 80 and 30 (See Col 7, Lines 48-53). The claimed limitation of "a storage unit segmenting and converting each of the plural different pieces of continuous picture data into plural animation files according to the common segmentation information, associating each of the plural animation files with the corresponding retrieval data, by which one piece of the retrieval data is associated with plural animation files corresponding to the same common segmentation information and having been converted from the plural different pieces of the continuous picture data, and storing the plural animation files and the retrieval data" is met by Figure 1, Item 40 (See Col 6, Lines 54-58). The claimed limitation of "an output unit for, when any retrieval data is selected as retrieval condition from among the retrieval data inputted by the input unit,

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outputting an animation file that is associates with the selected retrieval data and is stored in the storage unit and displaying the outputted animation file” is met by Figure 1, Item 70, 30 and 50 (See Col 8, Lines 5-10; Col 13, 31-41). The claimed limitation of “wherein the subject is a player of a ball game being performed and all the common segmentation information is inputted by a user” is met by Figure 1, Items 72, 80 and 30 and Figure 2.

In regard to claims 9-10, Tamir discloses the claimed limitation of “retrieval data contains information about a delivery of a ball” and “retrieval data contains information about a course of a ball” (See Col 8, Lines 5-10; Col 8, Lines 56-59; Col 10, Lines 28-40).

In regard to claims 12 and 13, Tamir discloses the claimed limitation of “said segmentation information comprises a record starting time and a record ending time which are absolute times” and “said subject a player of ball game being performed, and said record starting time said record ending time are record starting time and a record ending time each delivery of a ball” (See Col 7, Lines 38-47; Col 8, Lines 5-10).

Claims 14 and 15 are met by that discussed above for claims 1 and 7.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamir et al in view of Hirayama et al. (US Pat No 5,732,185).

In regard to claim 8, Tamir fails to disclose the claimed limitation of "said plural pieces of continuous picture data are different from each other and obtained by capturing the subject from plural directions". Hirayama teaches "said plural pieces of continuous picture data are different from each other and obtained by capturing the subject from plural directions" (Col 6, Lines 20-36) so as to allow the "user the opportunity to select any scene he or she wishes to see" (Col 6, Lines 20-21). Consequently, it would have been obvious to one of ordinary skill in the art to modify Tamir to utilize plural pieces of continuous picture data are different from each other and obtained by capturing the subject from plural directions for the stated advantage.

In regard to claim 16, Tamir discloses "associating the time segment for each of the streams with an attribute corresponding to the subject, converting the time segment for each of the streams into corresponding animation files, storing the animation files with the attribute, and retrieving and displaying the animation files when the attribute is used as a retrieval condition" as discussed for claims 1 and 7. Tamir fails to disclose the claimed limitation of "capturing a same time segment of plural video streams of a subject". Hirayama teaches "capturing a same time segment of plural video streams of a subject" (Col 6, Lines 20-36) so as to allow the "user the opportunity to select any scene he or she wishes to see" (Col 6, Lines 20-21). Consequently, it would have

been obvious to one of ordinary skill in the art to modify Tamir with capturing a same time segment of plural video streams of a subject for the stated advantage.

6. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamir et al. in view of Katayama (US Pat No 5,769,713).

In regard to claims 4 and 11, Tamir fails to disclose that the “retrieval data contains information about a play state in the play of the ball game”. Katayama teaches “retrieval data contains information about a play state in the play of the ball game” (See Col 1, Lines 49-52; Col 2, Lines 1-12) so as to allow the user to instantaneously understand the progress of a game. Consequently, it would have been obvious to one of ordinary skill in the art to modify Tamir with “retrieval data contains information about a play state in the play of the ball game” for the stated advantage.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM
August 15, 2006



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600